

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

JAN 09 2006

ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY: *J. F. Corcoran*  
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BENJAMIN H. JONES,	)	
	)	
Plaintiff,	)	Civil Action No. 7:05-cv-00788
	)	
v.	)	<u>FINAL ORDER</u>
	)	
WARDEN TRACY S. RAY, <u>et. al.</u> ,	)	By: Hon. James C. Turk
	)	Senior United States District Judge
Defendants.	)	

In accordance with the memorandum opinion entered this day, it is hereby  
**ORDERED**

that plaintiff is hereby **DENIED** the opportunity to proceed in forma pauperis, and the action shall be and hereby is **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915(g), and is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order to and to counsel of record for the defendants, if known.

ENTER: This 9th day of January, 2006.

*James C. Turk*  
Senior United States District Judge